



State of Connecticut

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Testimony in Support of Proposed HB 5306

An Act Concerning Application Of The Affordable Housing Land Use Appeals Process.

Housing Committee

February 5, 2015

Chairmen Winfield and Butler, Ranking Members Hwang and Kupchick, and members of the Housing Committee. I would like to thank the Committee for the opportunity to testify in support of **Proposed HB 5306 An Act Concerning Application Of The Affordable Housing Land Use Appeals Process.**

The Affordable Housing Act (Section 8-30g) has been in effect for 24 years.

The goal of this legislation is to promote the development of housing for individuals with certain income restrictions; namely for those with between 60-80 percent of the median income for the subject municipality. The statute mandates that 10 percent of housing units within each municipality must satisfy the affordable housing requirements.

Although the goal of 8-30g is a noble one, the statute has not had the intended effect.

Only 31 out of 169 municipalities are in compliance with 8-30g which is only 18.3 percent after 24 years.

Courts are becoming our local planning and zoning decision makers rather than the Planning and Zoning Boards which the people choose. This statute, in its current form, places an impossible burden on a municipality to justify the denial of a development. In a town such as North Haven, which is not in compliance with the 10 percent requirement of 8-30g, the court system makes the planning and zoning

decisions. Towns like North Haven are losing the ability to make local decisions, after great legal expense.

Section 8-30g does not offer any positive incentive to develop more affordable housing.

The 10 percent blanket requirement for ALL municipalities does not take into account the vast differences with the 169 towns.

A multi-tiered system of compliance would be more appropriate and a more reasonable percentage would promote affordable housing development. Currently, there is not incentive to comply because compliance is overwhelming, especially in rural or semi-rural communities.

The 10 percent threshold is just unrealistic. The percentage amount credited to senior affordable housing should be raised from the current half percent to a full percent.

Instead of a flat 10 percent compliance for all municipalities, I propose a 5-tiered system based on the percentage of 1-unit detached (single family) within the municipality.

Classification	% 1-Unit Detached	Required % Affordable Housing
Rural	More than 90%	2.5
Semi-Rural	75-89%	5.0
Suburban	65-79%	7.5
Semi-Urban	40-64%	10.0
Urban	Less than 40%	12.5

As you can see, the lowest percentage of 2.5 percent for rural municipalities is still a formidable goal for approximately 30 municipalities that are currently less than 2 percent compliant. But a reasonable goal, that is obtainable and which is more likely to promote affordable housing than the current goal of 10 percent.

Perhaps the statute should contain a positive incentive as opposed to the negative consequences facing towns on appeal of Planning and Zoning decision. On appeal, towns not in compliance lose because of the high burden of proof that shifts to the town in order to defend the denial of the Housing Project must be for public health and safety.

The positive incentive, combined with a realistic 5-tiered system of compliance will provide meaningful hope for the development of more Affordable Housing in our state. Section 8-30g, in its current form, has failed to meet its intended objectives.

Sincerely,

Dave Yaccarino